

ROBERT MICKENS SR.
CT-7015
10745, ROUTE 18
ALBION, PA. 16475-0002

FILED

DEC 26 2019

CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

JUDGE SUSAN P. BAXTER
UNITED STATES DISTRICT JUDGE
UNITED STATES DISTRICT COURT-RM A240
ERIE, PA 16501

December 20, 2019

RE: MICKENS V. CLARK et al
CIVIL DOCKET #1:18-CV-00005-RAL

Dear Judge Baxter:

On December 17, 2019, I forwarded to you a letter explaining that I have filed a (2) motions with the Court, one of which I filed directly to your office due to the prior Motion having gone unresponded.

On 10.16.2019, I sent to your office (PLAINTIFF'S OBJECTIONS "EXTRAORDINARY CIRCUMSTANCES" MAGISTRATES' MEMORANDUM OPINION GRANTING DEFENDANTS' MOTION TO DISMISS). The Motion was never processed with the Clerks office and had gone unanswered by you.

On 12.16.2019, I sent an inmate request slip to the mail-room supervisor requesting that the Motion sent to your office on 10.16.2019, certified mail be tracked. On 12.19.2019, the mail room responded see inmate request attached hereto.

Also attached hereto is a copy of the USPS Tracking History which states:

Tracking number 70100290000205315517

Your item was delivered to an individual at the address at 10:17 am on October 21, 2019 in Erie, Pa 16501.

You will find that the tracking number attached is that and the same as that of the inmate cash slip processed by the mail-room on Oct. 17 2019, and forwarded to the Court on 12.17.2019.

This demonstrates that the Plaintiff was actively and diligently seeking redress as a pro se litigant in forma pauperis and could not have failed to prosecute his case in the Court of Appeals which held no jurisdiction. Where clearly the Civil Docketing statement sent to plaintiff states:

(57) 10/02/2019, Notice of Appeal as to 56 Memorandum Opinion & Order, by Robert Mickens, SR. Motion for IFP Granted, certificate of Appealability N/A.

Plaintiff respectfully request that His Honor, accepts as filed Plaintiff's re-submitted Objections of 10.16. 2019, as plaintiff demonstrates that he was diligently pursuing his right to due process.

I thank you for your time and consideration concerning this matter.

Sincerely,



Robert Mickens Sr.

CC/file:

Patricia S. Dodszuweit, U.S. Crt. of Appeals Clerk
2140 U.S. Courthouse 601 Market St.

United States District Clerk of Court.
Clerks office-RM A150
17 South park Row

Office of the Attorney General
1251 Waterfront Place
Mezzanine Level
Pittsburgh, Pa 15222

Form DC-135A		Commonwealth of Pennsylvania Department of Corrections
INMATE'S REQUEST TO STAFF MEMBER		
INSTRUCTIONS		
Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.		
1. To: (Name and Title of Officer) <u>Mail Room Supervisor</u>	2. Date: <u>12.16.19</u>	
3. By: (Print Inmate Name and Number) <u>Mickens, Robert CT-2015</u> <u>Robert C. Mickens</u>	4. Counselor's Name: <u>MS. Clocks</u>	
	5. Unit Manager's Name: <u>MR. CIRZER</u>	
6. Work Assignment: <u>Am. Dietary</u>	7. Housing Assignment: <u>AB-50</u>	
8. Subject: State your request completely but briefly. Give details. <u>On 10.16.19, I sent a motion of Objections to the United States District Court to Susan P. Butcher. I sent this motion out certified. The Dist. Court sent me a Docketing Statement and the motion was not present on the docket. The U.S. Court of Appeals has dismissed my case for failure to prosecute. I must show that the documents left the institution and reached the U.S. courthouse. Could you please use the tracking number - 7010 0290 0001 05315517, to locate the motion so that I might prove my diligence in prosecuting my case.</u> <u>Thank you.</u>		
9. Response: (This Section for Staff Response Only) <u>See attached USPS tracking</u>		

STAFF MEMBER NAME _____

Print

To DC-14 CAR and DC-15 IRS □

Signature

DATE 12-19-19

USPS Tracking®

Track Another Package +

Track Packages
Anytime, Anywhere

Get the free Informed Delivery® feature to receive
automated notifications on your packages

<https://reg.usps.com/xsell?app=UspsTools&ref=homepageBanner&appURL=https%3A%2F%2Finformeddelivery.usps.com%2Fbox%2Fpages%2Fintro%2Fstart.action>

Tracking Number: 70100290000205315517

Remove ▾

Your item was delivered to an individual at the address at 10:17 am on October 21, 2019 in ERIE, PA 16501.

✓ Delivered

October 21, 2019 at 10:17 am
Delivered, Left with Individual
ERIE, PA 16501

Tracking History



October 21, 2019, 10:17 am

Delivered, Left with Individual
ERIE, PA 16501

Your item was delivered to an individual at the address at 10:17 am on October 21, 2019 in ERIE, PA 16501.

October 19, 2019, 5:28 am

Delivery Attempted - No Access to Delivery Location
16515

October 19, 2019, 5:26 am

Arrived at Unit
ERIE, PA 16515